

REMARKS

Claims 9, 10 and 12 to 15 are now pending in this application, after cancellation of claim 11. Claim 15 has been amended. Reconsideration of the present application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 10 and 15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,991,610 ("Ruhl"). It is respectfully submitted that the claims 10 and 15 as presented are not anticipated by Ruhl for at least the following reasons.

Claim 15 as presented relates to a broadcast radio receiver set, which includes a memory for storing operating instructions that are capable of being retrieved, through input selection, in any desired sections, and that are able to be at least acoustically manifested via an output device. Claim 15 has been amended to include the features of now-canceled claim 11, so that claim 15 as presented further recites that the broadcast receiver set also includes a transmission device for receiving the operating instructions or at least sections of the operating instructions from a central device.

Ruhl purportedly relates to a memory structure for use in a broadcast receiver. It is respectfully submitted that Ruhl does not disclose, or even suggest, a broadcast radio receiver set which includes a transmission device for receiving operating instructions or at least sections of operating instructions from a central device, as recited in amended claim 15. Indeed, the Office Action admits on page 4 that Ruhl fails to disclose these features. Accordingly, since Ruhl does not disclose or suggest all of the features of amended claim 15 -- as it must to support an anticipation rejection -- it is therefore respectfully submitted that amended claim 15 and its dependent claim 10 are not anticipated by Ruhl.

In view of the foregoing, it is respectfully requested that the anticipation rejections of claims 10 and 15 be withdrawn.

Claims 9 and 11 to 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ruhl in view of U.S. Patent No. 5,182,553 ("Kung"). It is respectfully submitted that pending claims 9 and 12 to 14 are not rendered obvious by the combination of Ruhl and Kung for at least the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), not only must the prior art teach or suggest each element of the claim, the prior art must also suggest combining the elements in the manner contemplated by the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F. 2d 931, 934 (Fed. Cir. 1990); In re Bond, 910 F. 2d 831, 834 (Fed. Cir. 1990). The Examiner bears the initial burden of establishing a prima facie case of obviousness. The Examiner must show, inter alia, that there is some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine the references, and that, when so modified or combined, the prior art teaches or suggests all of the claim limitations. See M.P.E.P. §2143. Applicant respectfully submits that neither of these criteria for obviousness are met here.

Claims 9 and 12 to 14 ultimately depend from claim 15, and therefore include all of the limitations of claim 15. Claim 15, as amended to include the features of now-canceled claim 11, recites a broadcast receiver set that includes a transmission device for receiving operating instructions or at least sections of operating instructions from a central device.

First, there is simply no motivation or suggestion in the overall teachings of the applied references to combine the teachings of Ruhl with the teachings of Kung in an attempt to achieve the claimed invention. In particular, there is simply no suggestion in the overall teachings of Ruhl and Kung that a broadcast receiver set be provided with a transmission device for receiving the operating instructions or at least sections of the operating instructions from a central device, or that such a transmission device is desirable for a broadcast radio receiver. Kung merely describes a pager configured for the visual output of data and to receive selective ringing signals. (Col. 2, lines 22-25). Kung does not suggest that the pager may also act as a radio receiver, and indeed the device disclosed in Kung cannot be configured to be a broadcast receiver. Moreover, a pager does not usually include an audio speaker, which is an essential part of a broadcast radio receiver. Moreover still, the suggested combination would necessarily alter the original principles of operation of the reference being modified, thereby defeating the obviousness conclusion as a matter of law. MPEP 2143.01. In view of the above, it is respectfully submitted that the combination asserted by the Examiner is not supported by the applied references, and the suggested

combination is insufficient to support the obviousness rejection of claims that depend from claim 15, including claims 9 and 12 to 14.

Furthermore, even if one assumed that there were some motivation to make the combination asserted by the Examiner, the suggested combination would still fail to approximate the claimed invention since neither Ruhl nor Kung discloses, or even suggests, a broadcast radio receiver set that has a transmission device for receiving operating instructions or at least sections of operating instructions from a central device, as recited in amended claim 15. The passage at col. 7, lines 25 to 40 of Kung relied upon by the Examiner describes a terminal apparatus 20, which is capable of generating and transmitting selective call messages, and which also functions as an external source for remotely generating and transmitting reconfiguration information used to alter the content of the memory of a selective call receiver 12, but does not disclose, or even suggest, that the terminal apparatus 20 or selective call receiver is a transmission device of a broadcast radio receiver set, which receives operating instructions or at least sections of operating instructions from a central device. For these reasons, the suggested combination of Ruhl and Kung would not render the subject matter of claim 15 obvious, and therefore claims 9 and 12 to 14, which depend from claim 15, are allowable over the applied references.

In view of the foregoing, it is respectfully requested that the rejection of claims 9 and 12 to 14 be withdrawn.

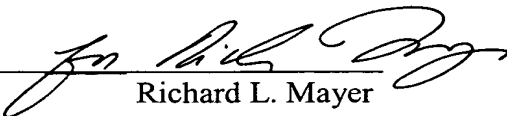

CONCLUSION

In light of the foregoing, Applicant respectfully submits that all pending claims 9, 10 and 12 to 15 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Respectfully submitted,

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